

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. J-03/10-112
)
 Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Economic Services Division reducing the amount of his 3SquaresVT (formerly Food Stamps) benefits. The issue is whether the petitioner failed to verify his income and expenses in a timely manner.

FINDINGS OF FACT

1. On January 21, 2010 the Department, having received information that the petitioner's circumstances may have changed, sent the petitioner an "Interim Report" form. The form included the following introduction:

In order for you to continue to receive benefits, we need to know if there have been any changes in your household's situation.

3SquaresVT recipients must answer all questions below and send proof of income received in the last 30 days, if it has changed.

You must return this form by February 15, 2010 or your benefits will end. Please use the enclosed postage paid envelope.

If you need help, please call (#).

2. When the petitioner did not return the form and did not call, the Department sent him the following "Notice of Decision" on February 18, 2010:

Your Food Stamps end on February 28, 2010. You will not get any benefits as of this date.

-you did not return your Interim Report form (rule 273.12)

This notice is based on facts for February, 2010.

The notice included the petitioner's rights of appeal, including notice that his benefits could continue if he filed an appeal before the effective date of the notice.

3. The Department's records indicate that on February 25, 2010: "(petitioner) called-has SF (supplemental fuel) question-redirected to fuel phon (sic) #". There is no indication that the petitioner inquired about his 3Squares benefits at that time.

4. However the records of the petitioner's caseworker show that on March 1, 2010: "Client requested fair hearing over the phone with me today as he reports that he did not get FS this month (due to not providing interim report) Client states requests (sic) that his benefit be reinstated while his FH is pending."

5. Based on the fact that February 28, 2010, fell on a Sunday, the Department agreed that the petitioner's March 1,

2010 request for hearing was timely regarding the continuation of his 3Squares benefits pending this appeal.

6. Sometime in March 2010 the petitioner filed a reapplication, and he was found eligible for benefits effective April 1, 2010.

7. Although the petitioner alleges he did not "understand" the recertification process, there is no dispute that the Department's notices were timely and clear as to both the details and timing of the petitioner's obligation to file the interim report.

ORDER

The Department's decision is affirmed.

REASONS

Under the regulations all recipients of 3SquaresVT benefits are required to file timely periodic reports regarding their household circumstances in order to remain eligible. W.A.M. § 273.14(a). In this case there is no dispute that the petitioner did not file his recertification report until after the deadline to do so. There is no dispute that the Department timely provided him with a recertification form, informed him of the deadline for filing it, and warned him of the repercussions if he failed to do

so. See W.A.M. § 273.14(b). Inasmuch as the Department's decision in this matter was in accord with the pertinent regulations the Board is bound to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule 1000.4D.

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